

STATES OF JERSEY ORDER PAPER

Tuesday 5th July 2011 (re-issue)

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Children (Regulation of Employment) (Jersey) Order 2011. R&O.77/2011.
Minister for Health and Social Services.

Planning and Building (General Development) (Jersey) Order 2011. R&O.78/2011.
Minister for Planning and Environment.

Community Provisions (Restrictive Measures – Libya) (Amendment No. 7) R&O.79/2011.
(Jersey) Order 2011.
Chief Minister.

Community Provisions (Restrictive Measures – Belarus) (Amendment No. 2) R&O.80/2011.
(Jersey) Order 2011.
Chief Minister.

C. DOCUMENTS PRESENTED OR LAID

Migration: Control of Housing and Work. S.R.9/2011.
Presented: 1st July 2011.
Corporate Services Scrutiny Panel.

D. NOTIFICATION OF LODGED PROPOSITIONS

E. WITHDRAWAL OF LODGED PROPOSITIONS

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

G. MATTERS OF PRIVILEGE

H. PETITIONS

Deputy Geoffrey Peter Southern of St. Helier will present a petition regarding the restoration of free school milk in Jersey schools. *(This relates to P.115/2011)*

I. QUESTIONS

(a) – Written Questions
(attached)

1. The Minister for Planning and Environment will table an answer to a question asked by the Deputy of St. John regarding a response to P.21/2010 (Importation of fireworks in 2007 for a charity event: investigation’).
2. The Chairman of the Privileges and Procedures Committee will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding web casting.
3. The Chief Minister will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the role of HR Directors.
4. The Minister for Home Affairs will table an answer to a question asked by the Deputy of

St. John regarding the Jersey Field Squadron.

5. The Minister for Home Affairs will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding an alleged 'leak' of a report.
6. The Chairman of the Public Accounts Committee will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding Historical Abuse Inquiry expenditure.
7. The Minister for Home Affairs will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding staff costs for the Wiltshire inquiry.
8. The Minister for Treasury and Resources will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding 1(1)(k) residents' tax payments.
9. The Chief Minister will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding political transparency and integrity.
10. The Minister for Treasury and Resources will table an answer to a question asked by Senator B.E. Shenton regarding the income received from the Radisson Hotel.
11. The Minister for Health and Social Services will table an answer to a question asked by Senator S.C. Ferguson regarding 32 locum doctors.
12. The Minister for Treasury and Resources will table an answer to a question asked by Connétable of St. John regarding annual revenue since the removal of car tax.
13. The Minister for Transport and Technical Services will table an answer to a question asked by the Connétable of St. John regarding the cost of Island roads.
14. The Chief Minister will table an answer to a question asked by the Connétable of St. John regarding pensions and the public sector.
15. The Minister for Economic Development will table an answer to a question asked by Senator B.E. Shenton regarding the operation of the States of Jersey Development Company Limited.
16. The Minister for Health and Social Services will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding cancer rates in Jersey.
17. The Minister for Planning and Environment will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding radiation levels.
18. The Minister for Home Affairs will table an answer to a question asked by Senator J.L. Perchard regarding financial means-testing of prisoners.
19. The Minister for Transport and Technical Services will table an answer to a question asked by Senator B.E. Shenton regarding recorded accidents.
20. The Chief Minister will table an answer to a question asked by Deputy D.J. de Sousa of St. Helier regarding the impact of Greece's financial difficulties.
21. The Minister for Treasury and Resources will table an answer to a question asked by Deputy D.J. de Sousa of St. Helier regarding impact of Greece's financial difficulties.
22. The Minister for Treasury and Resources will table an answer to a question asked by Deputy S. Pitman of St. Helier regarding the cost of suspensions.
23. The Minister for Treasury and Resources will table an answer to a question asked by Deputy S. Pitman of St. Helier regarding underspends.
24. The Minister for Treasury and Resources will table an answer to a question asked by Deputy S. Pitman of St. Helier regarding interest earned by the Strategic Fund.

25. The Minister for Treasury and Resources will table an answer to a question asked by Deputy S. Pitman of St. Helier regarding payments on terminated contracts.
26. The Minister for Treasury and Resources will table an answer to a question asked by Deputy S. Pitman of St. Helier regarding tax revenue from GST.
27. The Minister for Health and Social Services will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding qualifications and conditions for staff in private care homes.
28. The Chief Minister will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the classification of jobs and pay scales for police.
29. The Minister for Treasury and Resources will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding repairs to Hautlieu School.
30. The Minister for Treasury and Resources will table an answer to a question asked by Deputy R.G. Le Hérissier regarding the use of commercially sensitive information.
31. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding 1(1)(k) taxation.
32. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding States employees' terms and conditions.
33. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding work permits.
34. The Minister for Health and Social Services will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding waiting times for physiotherapy.
35. The Minister for Health and Social Services will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding a breakdown of savings.
36. The Chief Minister will table an answer to a question asked by the Deputy of St. Mary regarding a comparison of targets set by UK authorities.
37. The Minister for Economic Development will table an answer to a question asked by the Deputy of St. Mary regarding the Depositor Compensation Scheme.
38. The Minister for Treasury and Resources will table an answer to a question asked by the Deputy of St. Mary regarding tax systems and tax burden.
39. The Minister for Economic Development will table an answer to a question asked by the Deputy of St. Mary regarding Jersey Enterprise.
40. The Minister for Planning and Environment will table an answer to a question asked by the Deputy of St. Mary regarding the anomaly identified within the report of the Complaints Board into the 'Construction of a Wall in the Countryside Zone' (R55/2011).
41. The Minister for Social Security will table an answer to a question asked by Senator F. du H. Le Gresley regarding survivors' pension.
42. The Minister for Health and Social Services will table an answer to a question asked by the Deputy of St. John regarding private nursing homes.
43. H.M. Attorney General will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding super injunctions.
44. The Minister for Transport and Technical Services will table an answer to a question asked by

Deputy M.R. Higgins of St. Helier regarding the Energy from Waste plant.

45. The Minister for Economic Development will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding Air Traffic Control staff.
46. The Minister for Economic Development will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the Channel Islands Control Zone.

(b) – Oral Questions

(120 minutes)

1. Deputy K.C. Lewis of St. Saviour will ask the following question of the Minister for Economic Development –

“Further to the Minister’s encouragement that we should support local businesses, can he explain why the lottery franchise has been taken away from a Jersey company and given to a UK company?”
2. Deputy G.P. Southern of St. Helier will ask the following question of the Chief Minister –

“What progress, if any, has the States Employment Board made in identifying the changes to public sector terms and conditions required to deliver the target of £14 million savings?”
3. Senator B.E. Shenton will ask the following question of the Minister for Economic Development –

“Does the Minister consider that the use of the Radisson Hotel by Departments, when there is a financial incentive to the States of Jersey Development Company, could create competition issues and be detrimental to other hotels operating in the Island and, if so, will he request the Jersey Competition Regulatory Authority to investigate competition issues arising from this type of arrangement and, if not, why not?”
4. Deputy P.V.F. Le Claire of St. Helier will ask the following question of the Minister for Health and Social Services –

“Who monitors air quality and radiation levels from the nuclear power station near Cherbourg; is the data available online for the public to monitor and, if not will the Minister undertake to ensure this information is made available?”
5. Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the Minister for Economic Development –

“Why have restrictions been placed upon private aviation for the summer period and is the Minister satisfied that the new Air Traffic Control system is able to cope?”
6. The Deputy of St. John will ask the following question of the Minister for Economic Development –

“Following reports that new regulations relating to Aircraft movements are to be put in place over 3 months, is the Minister satisfied that, having spent millions of pounds on the new traffic control system, it is not going to be out of date or obsolete?”
7. Deputy T.M. Pitman of St. Helier will ask the following question of the Minister for Home Affairs –

“Will the Minister clarify how the Wiltshire investigation incurred expenses of £200,700 in staff costs; £92,000 in travel; £82,000 in hotel accommodation and £39,100 in subsistence; where were these expenses incurred (Jersey or elsewhere); what grade hotels were used; and to how many individuals do the travel, accommodation and subsistence figures relate?”
8. The Deputy of St Martin will ask the following question of the Minister for Planning and

Environment –

“Will the Minister inform Members how many complaints have been received and investigated in relation to the High Hedges Law and is there any evidence that the investigation fee of over £450 serves as a deterrent and a denial of justice to those residents who cannot afford this sum?”

9. Deputy S. Pitman of St. Helier will ask the following question of the Minister for Health and Social Services –

“Could the Minister advise whether the next intake of trainee nurses will be given financial support by her Department and if not, would she explain why?”

10. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Economic Development –

“Will the Minister reconsider his refusal to provide a breakdown of information relating to qualified and non-qualified employees in the fulfilment sector and, if so, would he advise what percentage of Play.com's staff are non-qualified?”

11. Senator S.C. Ferguson will ask the following question of the Minister for Health and Social Services –

“What was the total number of hours on duty undertaken by each of the 57 Middle Grade doctors for the period from 9 am on 6th June 2011 to 9 am on 13th June 2011 and did any undertake periods of continuous duty lasting more than 24 hours?”

12. The Deputy of St. Mary will ask the following question of the Minister for Planning and Environment –

“Further to the statement by H.M. Attorney General on 1st March 2011, that there was no protocol preventing the interview, would the Minister tell members exactly what justification he has for his department not interviewing the ‘whistleblower’ concerning the alleged pollution incident at the construction site of the incinerator at La Collette?”

13. The Deputy of St. John will ask the following question of the Minister for Transport and Technical Services –

“Following his response to my written question on 20th June 2011, in which he advised that the response to P.97/2010 ‘Recycling of Waste Materials: Identification of suitable sites’ would be presented by the end of June, would the Minister explain the reasons for the delay and when the report will be delivered?”

14. The Deputy of St. Mary will ask the following question of the Chief Minister–

“Can the Chief Minister explain why he maintains that the former Chief Officer of the States of Jersey Police offered, in his letter to the Deputy Chief Executive in a letter dated 31st March 2010, to fully participate in the Napier Review?”

15. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Will the Minister inform members what powers, if any, there will be to identify and assess the worldwide income of 1(1)(k) residents under the proposed new tax regime?”

16. The Deputy of St. Martin will ask the following question of the Chief Minister –

“Following his statement made at the States meeting on 17th May 2011 about racial intolerance in Jersey what steps, if any, has the Chief Minister taken to raise public awareness by establishing anti discrimination programmes in schools, public service departments and the wider community?”

17. Deputy T.M. Pitman of St. Helier will ask the following question of the Minister for Home Affairs–

“Will the Minister advise whether a disciplinary investigation was pending in respect of the States of Jersey Police Superintendent who recently resigned after just a few months in his post, and if so, what was the basis for this investigation and would he advise whether the officer concerned received a final salary settlement outside of his contracted entitlement?”

18. Deputy M. Tadier of St. Brelade will ask the following question of the Chairman of the Consumer Council –

“Will the Consumer Council undertake to obtain and publish a full list of trading businesses in the Island that do not pay tax in Jersey, on the basis that it is of interest to consumers who wish to shop in an informed way?”

(c) – Questions to Ministers without notice (30 minutes) –

1st question period – Minister for Housing

2nd question period – Chief Minister

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

L. PUBLIC BUSINESS

5th July 2011

Draft Control of Housing and Work (Jersey) Law 201-. P.37/2011.
Lodged: 15th March 2011.
Chief Minister.

Draft Control of Housing and Work (Jersey) Law 201- (P.37/2011): P.37/2011.
amendment. Amd.
Lodged: 20th June 2011.
Deputy S. Power of St. Brelade.

Draft Control of Housing and Work (Jersey) Law 201- (P.37/2011): amendment P.37/2011.
(P.37/2011 Amd.)– amendment. Amd.Amd.
Lodged: 27th June 2011.
Corporate Services Scrutiny Panel.

Draft Control of Housing and Work (Jersey) Law 201- (P.37/2011): second P.37/2011.
amendment. Amd.(2)
Lodged: 21st June 2011.
Chief Minister.

Draft Register of Names and Addresses (Jersey) Law 201-. P.38/2011.
Lodged: 15th March 2011.
Chief Minister.

Draft Register of Names and Addresses (Jersey) Law 201- (P.38/2011): P.38/2011.
amendment. Amd.
Lodged: 20th June 2011.
Deputy S. Power of St. Brelade.

Draft Register of Names and Addresses (Jersey) Law 201- (P.38/2011): P.38/2011.
amendment (P.38/2011 Amd.)– amendment. Amd.Amd.
Lodged: 27th June 2011.
Corporate Services Scrutiny Panel.

Draft Register of Names and Addresses (Jersey) Law 201- (P.38/2011): second amendment. Lodged: 21st June 2011. <i>Chief Minister.</i>	P.38/2011. Amd.(2)
Jersey Harbours and Airport Shadow Board: Terms of Reference. Lodged: 29th March 2011. <i>Minister for Economic Development.</i>	P.47/2011.
Draft Health Insurance (Medical Benefit) (Amendment No. 4) (Jersey) Regulations 201-. Lodged: 10th May 2011. <i>Minister for Social Security.</i>	P.71/2011.
Draft Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 11) (Jersey) Regulations 201-. Lodged: 12th May 2011. <i>States Employment Board.</i>	P.74/2011.
Composition of the States: further debates before the outcome of the Electoral Commission. Lodged: 17th May 2011. <i>Deputy T.M. Pitman of St. Helier</i>	P.78/2011.
Draft States of Jersey (Miscellaneous Provisions) Law 201-: request to Privy Council. Lodged: 6th June 2011. <i>Deputy of Grouville.</i>	P.99/2011.
Draft States of Jersey (Miscellaneous Provisions) Law 201-: request to Privy Council (P.99/2011) – comments. Presented: 27th June 2011. <i>Privileges and Procedures Committee.</i>	P.99/2011. Com.
Draft Income Tax (Amendment No. 38) (Jersey) Law 201-. Lodged: 17th May 2011. <i>Minister for Treasury and Resources.</i>	P.79/2011.
Draft Companies (Amendment No. 6) (Jersey) Regulations 201-. Lodged: 24th May 2011. <i>Minister for Economic Development.</i>	P.82/2011.
Uplifts in land values: Land Development Tax or equivalent mechanism(s). Lodged: 1st June 2011. <i>Deputy of St. Mary.</i>	P.90/2011.
Rate Appeal Board: appointment of members. Lodged: 2nd June 2011. <i>Minister for Treasury and Resources.</i>	P.93/2011.
Debt Collection Agencies: establishment of a Working Party. Lodged: 7th June 2011. <i>Deputy M. Tadier of St. Brelade.</i>	P.102/2011.
Council of Ministers' meetings: public access. Lodged: 7th June 2011. <i>Deputy M. Tadier of St. Brelade.</i>	P.103/2011.
Migration and Population Policy: Review. Lodged: 7th June 2011.	P.104/2011.

Deputy of St. Mary.

Pensions: Survivor's Benefit – Review. P.105/2011.
Lodged: 7th June 2011.
Senator F. du H. Le Gresley.

Pensions: Survivor's Benefit – Review (P.105/2011) – comments. P.105/2011.
Presented: 30th June 2011. Com.
Minister for Social Security.

Heath Service Disciplinary Tribunal: appointment of Chairman and members. P.111/2011.
Lodged: 7th June 2011.
Minister for Social Security.

Disciplinary and grievance hearings: right to a friend. P.112/2011.
Lodged: 7th June 2011.
Deputy of St. Martin

School Milk: restoration of funding. P.115/2011.
Lodged: 8th June 2011.
Deputy G.P. Southern of St. Helier
(Cannot be debated before 6th July 2011)

Chief Minister: Vote of Censure. P.116/2011.
Lodged: 20th June 2011.
Deputy T.M. Pitman of St. Helier

The following matters cannot be debated until the continuation meeting commencing 12th July 2011 –

Prison Board of Visitors: composition. P.84/2011.
Lodged: 31st May 2011.
Education and Home Affairs Scrutiny Panel.

Draft Civil Partnership (Jersey) Law 201-. P.85/2011.
Lodged: 31st May 2011.
Chief Minister.

Draft Civil Partnership (Jersey) Law 201- (P.85/2011): amendment. P.85/2011.
Lodged: 27th June 2011. Amd.
Education and Home Affairs Scrutiny Panel.

Request for amendments to U.K. Immigration and Asylum Acts in relation to P.92/2011.
the Civil Partnerships (Jersey) Law 201-.
Lodged: 1st June 2011.
Chief Minister.
(Cannot be debated until 13th July 2011)

Draft Education (Nursery Fees) (Jersey) Regulations 201-. P.86/2011.
Lodged: 31st May 2011.
Minister for Education, Sport and Culture.

Draft Financial Services Commission (Amendment of Law) (Jersey) P.87/2011.
Regulations 201-.
Lodged: 31st May 2011.
Minister for Economic Development.

Jersey Consumer Council: establishment as a legal entity. P.89/2011.
Lodged: 1st June 2011.
Minister for Economic Development.
(Cannot be debated until 13th July 2011)

Draft Shipping (Registration) (Amendment) (Jersey) Regulations 201-. P.91/2011.
Lodged: 1st June 2011.
Minister for Economic Development.
(Cannot be debated until 13th July 2011)

Roads and Pavements: legal liability in case of negligence. P.75/2011.
Lodged: 13th May 2011.
Deputy of St. Martin

M. ARRANGEMENT OF PUBLIC BUSINESS

18th July 2011

Hand-held Devices in the States Chamber: trial. P.77/2011.
Lodged: 17th May 2011.
Privileges and Procedures Committee.

Hand-held Devices in the States Chamber: trial (P.77/2011) – amendment. P.77/2011.
Lodged: 28th June 2011. Amd.
Deputy D.J. De Sousa of St. Helier

Goods and Services Tax: exemption or zero-rating for health foods. P.81/2011.
Lodged: 23rd May 2011.
Deputy S. Pitman of St. Helier

Draft Security Interests (Jersey) Law 201-. P.88/2011.
Lodged: 31st May 2011.
Minister for Economic Development.

Draft Medicines (Amendment No. 3) (Jersey) Law 201-. P.94/2011.
Lodged: 2nd June 2011.
Minister for Health and Social Services.

Draft Shops (Regulation of Opening) (Jersey) Regulations 201-. P.95/2011.
Lodged: 3rd June 2011.
Minister for Economic Development.

Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 2010 P.96/2011.
(Appointed Day) Act 201-.
Lodged: 3rd June 2011.
Minister for Economic Development.

Draft Public Finances (Amendment No. 3) (Jersey) Law 201-. P.97/2011.
Lodged: 6th June 2011.
Minister for Treasury and Resources.

Draft Fire and Rescue Service (Jersey) Law 201-. P.98/2011.
Lodged: 6th June 2011.
Minister for Home Affairs.

Draft Gambling (Jersey) Law 201-. P.100/2011.
Lodged: 6th June 2011.
Minister for Economic Development.

Ratification of the Agreement for the exchange of information relating to tax P.101/2011.
matters between the Government of Jersey and the Government of the Republic
of Indonesia.
Lodged: 7th June 2011.
Chief Minister.

Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of the Republic of Indonesia (P.101/2011): addendum. Presented: 9th June 2011. <i>Chief Minister.</i>	P.101/2011. Add.
Draft Medical Practitioners (Registration) (Amendment No. 4) (Jersey) Law 201-. Lodged: 7th June 2011. <i>Minister for Health and Social Services.</i>	P.106/2011.
Draft Income Support (Amendment No. 7) (Jersey) Regulations 201-. Lodged: 7th June 2011. <i>Minister for Social Security.</i>	P.107/2011.
Draft Long-Term Care (Jersey) Law 201-. Lodged: 7th June 2011. <i>Minister for Social Security.</i>	P.108/2011.
Draft Income Support (Special Payments) (Amendment) (Jersey) Regulations 201-. Lodged: 7th June 2011. <i>Minister for Social Security.</i>	P.109/2011.
Draft Social Security (Amendment of Law No. 1) (Jersey) Regulations 201-. Lodged: 7th June 2011. <i>Minister for Social Security.</i>	P.110/2011.
Draft Social Security (Amendment of Law No. 1) (Jersey) Regulations 201- (P.110/2011): amendment. Lodged: 22nd June 2011. <i>Deputy G.P. Southern of St. Helier</i>	P.110/2011. Amd.
Draft Income Tax (Amendment No. 39) (Jersey) Law 201-. Lodged: 7th June 2011. <i>Minister for Treasury and Resources.</i>	P.113/2011.
Draft Income Tax (Prescribed Limit and Rate) (Amendment) (Jersey) Regulations 201-. Lodged: 7th June 2011. <i>Minister for Treasury and Resources.</i>	P.114/2011.
Millennium Town Park: railings. Lodged: 20th June 2011. <i>Deputy D.J. De Sousa of St. Helier</i>	P.117/2011.
Discrimination Law and delay on pension reform. Lodged: 21st June 2011. <i>Deputy G.P. Southern of St. Helier</i>	P.118/2011.
<u>13th September 2011</u>	
- Machinery of Government: review. Lodged: 16th May 2011. <i>Council of Ministers.</i>	P.76/2011.
Draft Sea Fisheries (Amendment No. 2) (Jersey) Law 201-. Lodged: 27th June 2011. <i>Minister for Economic Development.</i>	P.119/2011.
Medium Term Financial Plan: minimum lodging period.	P.120/2011.

Lodged: 28th June 2011.
Deputy G.P. Southern of St. Helier

M.N. DE LA HAYE
Greffier of the States

30th June 2011

Note –

In accordance with the meeting dates fixed for 2011 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 6th July and Thursday 7th July 2011.

Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.77/2011.

Introduction

This Order is made under the Children (Jersey) Law 2002 (the “2002 Law”), in exercise of a power for the Minister for Health and Social Services (the “Minister”) to make Orders with respect to the employment of children – meaning, according to that Law, a person who has not attained the age of 18.

The Minister has powers, under the 2002 Law, to take action if he or she is of the opinion that a child is being employed in a manner that is prejudicial to the child’s health or otherwise to render the child unfit to obtain the full benefit of any education. The Minister may give notice to the employer prohibiting or restricting the child’s employment by the employer. The Minister has further powers to require an employer, parent or guardian of a child to provide such information regarding the child as the Minister needs in order to determine whether the child’s employment is adversely affecting the child’s education.

It should be noted that, by virtue of the 2002 Law, the prohibitions and restrictions in the Order apply to any situation where a child assists in a trade or occupation carried on for profit, even if the child is not remunerated in any way for his or her labour.

Under the 2002 Law, employment of a child in contravention of the Order would be an offence by the employer and by any person (but not the child) to whose act or default the contravention is attributable. The maximum penalty for the offence is a fine of level 3 on the standard scale.

The Order

Article 1– Interpretation

This Article defines expressions used in the Order.

“Child” is defined so as to be a person who is both under the age of 16 and below the upper limit of compulsory school age. The “upper limit of compulsory school age” is defined in the Education (Jersey) Law 1999. A child reaches that limit on the 30th June in the school year in which he or she has his or her 16th birthday. A school year is also defined in that Law, and is a year commencing on 1st September. The effect of this definition is that –

- (a) the Order does not apply to any child who has attained the age of 16;
- (b) if a child’s 16th birthday falls within 1st July to 31st August inclusive in a year, the Order ceases to apply to the child from 30th June in that year.

Article 2– Prohibition of employment of children under 13 years of age

No child under the age of 13 may be employed.

Article 3– Permitted hours of employment

A child may not be employed during school hours. A child may not be employed before 6 a.m. or after 8.15 p.m.

Article 4– Restriction of number of hours of employment in a day and week

The number of hours that a child may work on a day is set according to whether the day falls within a school week or a holiday week. A school week is a week in which there is at least one school day. A holiday week is a week in which there are no school days. The restrictions in paragraph (1) for employment on school days and in school weeks apply to children of all ages. The restrictions in paragraphs (2) and (3) for employment on non-school days and in holiday weeks differ according to whether the child is under 15.

Article 5– Restriction of days of employment in a week

This Article prohibits the employment of a child on more than 6 days in a week.

Article 6– Rest periods and breaks

This Article imposes minimum requirements for the rest period that a child must have in a day and during the school holidays, and the breaks that a child must have when employed for more than 4½ hours.

Article 7– Prohibited work

Paragraph (1) is a general prohibition of employment of a child in work that is either potentially harmful to the child’s safety, health or development or which is prejudicial to the child’s education.

In addition, paragraph (2) specifies tasks that a child may not do.

Article 8– Duty to child who works without pay

Any child who assists in a business that is carried on for profit is treated as employed, even though the child is not paid. This Article has the effect that the person for whom the child does the work has the same duties towards the child as an employer has to an employee under the Health and Safety at Work (Jersey) Law 1989.

Article 9– Employment authorized by other enactment

Paragraphs (1) and (2) disapply certain provisions of this Order to certain employments where alternative regulation applies, whether under a licence granted by the Minister authorizing a child to take part in a public performance or whether the employment is on a Jersey ship and regulated by the Shipping (Employment of Young People) (Jersey) Order 2007.

By virtue of Article 26 of the Education (Jersey) Law 1999, the prohibition in Article 3 of this draft Order of employment during school hours and the limit in Article 4 on the number of hours for which a child may be employed on a school day do not apply when the child is in a work experience placement arranged or approved by the child's school. Paragraph (3) of this Article has the effect that the restrictions in this Order on places and types of employment do not apply where a child is working in a work experience placement.

Paragraph (4) of this Article provides for hours spent in a work experience placement arranged or approved by child's school to be disregarded when applying the rules in this Order as to the maximum number of hours for which and the maximum number of days for which a child may be employed.

Article 10– Citation and commencement

This Article provides for the citation of the Order and its commencement on 1st October 2011.

The Order was made on 20th June 2011 and comes into force on 1st October 2011.

R&O.78/2011.

This Order revokes and replaces the Planning and Building (General Development) (Jersey) Order 2008.

The Order allows certain types of development to be undertaken without the need for an application for planning permission.

The Order was made on 21st June 2011 and came into force on 28th June 2011.

R&O.79/2011.

This Order gives effect to –

- (a) Council Regulation (EU) No. 572/2011 of 16 June 2011 amending Regulation (EU) No. 204/2011 concerning restrictive measures in view of the situation in Libya; and
- (b) Council Regulation (EU) No. 573/2011 of 16 June 2011 implementing Article 16(2) of Regulation (EU) No. 204/2011 concerning restrictive measures in view of the situation in Libya.

The Order was made on 24th June 2011 and came into force on 25th June 2011.

R&O.80/2011.

This Order gives effect Council Regulation (EU) No. 588/2011 of 20 June 2011 amending Regulation (EC) No. 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus.

The Order was made on 24th June 2011 and came into force on 25th June 2011.

WRITTEN QUESTIONS

(See Item I(a))

1. The Minister for Planning and Environment will table an answer to the following question asked by the Deputy of St. John–

“Could the Minister give details of the reasons for the delay in responding to P.21/2011 ‘Importation of fireworks in 2007 for a charity event: investigation’, which the Assembly was advised would be circulated by June 2011, and advise when the Assembly can expect the response to be released?”

2. The Chairman of the Privileges and Procedures Committee will table an answer to the following question asked by Deputy R.G. Le Hérissier of St. Saviour–

“Does the Committee propose to introduce web-casting of the States Assembly and other formal meetings such as Scrutiny proceedings and, if so, when?”

3. The Chief Minister will table an answer to the following question asked by Deputy R.G. Le Hérissier of St. Saviour–

“What are the differences, if any, in the roles of the HR Director (Operations) and the HR Director (Strategy and Change)?

How is it intended to entrench change within the public sector with these Directors who are occupying temporary appointments?”

4. The Minister for Home Affairs will table an answer to the following question asked by the Deputy of St. John–

“Could the Minister advise the current numbers of service men and women who form the Jersey Field Squadron and whether the target membership remains 150 officers and men?

Would the Minister detail –

- (a) the number on the register;
- (b) the number who regularly attend training sessions and how many attended each session over the last 24 months;
- (c) the number who receive pay for attending training sessions and the amount paid;
- (d) the current grant paid to the United Kingdom government for the Squadron and whether the grant covers the cost of the junior Army Cadet Force and, if not, why not;
- (e) whether the grant mentioned in the 2010 States accounts for the Army Cadet force is above that currently paid to the UK;
- (f) what, if any, are the accommodation costs to the Island for the permanent staff at the Field Squadron living in States rented accommodation?

Will the Minister consider withdrawing funding from the Field Squadron and redirecting the grant to border agencies like Customs and Immigration?”

5. The Minister for Home Affairs will table an answer to the following question asked by Deputy T.M. Pitman –

“Given that the Minister has stated that he was already aware – prior to my question in the States – of the alleged 'leak' to a UK journalist of material from a then uncompleted and unpublished confidential audit

report into the financial management of the historic abuse inquiry, will the Minister outline how he identified the individual he alleges leaked the information; what action he took as a result; further still, why this information and that this serious incident had taken place was not made available to States members or the general public?"

6. The Chairman of the Public Accounts Committee will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier–

“Given that the Education and Home Affairs Scrutiny Panel are about to undertake a review relating to wider related issues did PAC ever examine the report written by BDO Alto into the management of the Historical Abuse Inquiry expenditure; if not, why not? Further still, would the Committee undertake to scrutinize the expenditure incurred by the Wiltshire Constabulary in their investigation(s) surrounding the inquiry – including Operation Blast – and submit a report to the States outlining its findings?”

7. The Minister for Home Affairs will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier–

“The inquiry by the Wiltshire Police cost £531,500 in total; will the Minister provide a full breakdown of the costs identifying how many staff these figures covered for the following headings:

Staff costs – £200,700
Travel – £92,000
Hotel Accommodation – £82,000
Subsistence £39,100
Rent – £14,000

Will the Minister further give a full breakdown for what exactly was covered by the remaining three headings –

Other costs – £11,400
Equipment Purchase – £15,200
Legal Fees – £77,100?”

8. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier–

“Given that the Minister concedes that there is no evidence that higher earners or 1(1)k individuals in particular would leave the Island simply because a higher rate of tax was implemented; will the Minister clarify how he justifies proposing allowing 1(1)k individuals to in future pay even less tax – in real overall percentage terms – as a result of proposals to be debated by this Assembly in July 2011; further still, what would the estimated increase in tax take be if the 1% figure was set at 2%?”

9. The Chief Minister will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier–

“Following the statement on 30th March 2010 by the Minister for Home Affairs at an Education and Home Affairs scrutiny panel hearing that the Minister did not want to expand on the reasons for the delay in producing the Wiltshire report because he had given an interview to the Jersey Evening Post and, in his words, “I promised the reporter that she would have a scoop”, will the Chief Minister state whether he considers this acceptable conduct by a Minister and within the requirements of the Ministerial Code of Conduct and conduct that shows a satisfactory standard of transparency and integrity?”

10. The Minister for Treasury and Resources will table an answer to the following question asked by Senator B.E. Shenton –

“Could the Minister identify the total amount of rent and/or income received in respect of the Radisson

Hotel site by The Waterfront Enterprise Board Limited (now States of Jersey Development Company) in respect of the years 2008, 2009 and 2010?”

11. The Minister for Health and Social Services will table an answer to the following question asked by Senator S.C. Ferguson –

“Will the Minister state –

- a) how many of the Datex incident reports completed in the last 4 years refer to the work of the 32 locum doctors employed to undertake the work of the 4 doctors in the Division of Surgery whose duties are currently restricted;
- b) The number of Serious Untoward Incident investigations during this period which have investigated the work of any of the 32 locum doctors?”

12. The Minister for Treasury and Resources will table an answer to the following question asked by the Connétable of St. John–

“Would the Minister provide details of how much revenue has been raised annually since car tax was removed and a charge per litre of fuel was introduced?”

13. The Minister for Transport and Technical Services will table an answer to the following question asked by the Connétable of St. John–

“Would the Minister advise how much has been spent on maintenance and resurfacing of the Island’s roads each year since the removal of car tax?”

14. The Chief Minister will table an answer to the following question asked by the Connétable of St. John–

“Would the Minister please advise which categories of employees in the public sector are able to retire earlier than 65 and receive a full pension?

Can he also advise what extra percentage is paid as an employer contribution for these employees on top of the amount paid for employees whose normal retirement age is 65 and advise the total cost to the public purse annually of these additional contributions?”

15. The Minister for Economic Development will table an answer to the following question asked by Senator B.E. Shenton –

“Now that the SOJDC has been given power to act as property developer in direct competition to private developers will the Minister request the JCRA to investigate the interaction between the Minister for Planning and Environment, the policies of the States of Jersey, and the operation of the SOJDC, to ascertain whether there are competition or impartiality issues to address in respect of the current structure?”

16. The Minister for Health and Social Services will table an answer to the following question asked by Deputy P.V.F. Le Claire of St. Helier–

“Could the Minister for Health and Social Services give the most current figures for each type of cancer in Jersey and also indicate the age brackets for each type of cancer? Does the Department maintain data on how the figures and age brackets compare with the UK and the neighbouring region of Normandy?”

17. The Minister for Planning and Environment will table an answer to the following question asked by Deputy P.V.F. Le Claire of St. Helier–

“Could the Minister for Health and Social Services state whether there is any routine testing of radiation levels in Jersey and in the surrounding coastal waters, and does the Department maintain data on how the radiations levels in Jersey (including in our drinking water) compare with other jurisdictions?”

18. The Minister for Home Affairs will table an answer to the following question asked by Senator J.L. Perchard –

“Will the Minister introduce financial means testing of those detained at HMP La Moye and levy a fee based on a scale of charges up to a maximum of the full cost recovery on inmates?”

19. The Minister for Transport and Technical Services will table an answer to the following question asked by Senator B.E. Shenton –

“Can the Minister detail the date, time, location and brief details of all recorded accidents since 1st January 2010 along the following roads;

1. La Grande Route de St. Clement;
2. La Grande Route de la Côte?

20. The Chief Minister will table an answer to the following question asked by Deputy D.J. de Sousa of St. Helier–

“Has the Chief Minister assessed the possible implications for Jersey if Greece was to default on its debts and the Euro was to cease to exist, in view of concerns expressed in this regard by the Bank of England and in light of Jersey’s dependency on the finance industry and, if so, would he give members details?”

21. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy D.J. de Sousa of St. Helier–

“Has the Minister assessed the possible financial consequences for Jersey if Greece was to default on its debts and the Euro was to cease to exist, in view of concerns expressed in this regard by the Bank of England and in light of Jersey’s dependency on the finance industry and, if so, would he give members details?”

22. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy S. Pitman of St. Helier–

“Would the Minister advise the cost of suspensions for each year from 2005-2011?”

23. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy S. Pitman–

“Would the Minister advise what the total underspends were for each year from 2005-2010?”

24. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy S. Pitman of St. Helier–

“Would the Minister advise the amount of interest earned on the Strategic Reserve Fund for each year from 2005-2010?”

25. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy S. Pitman of St. Helier–

“Would the Minister advise the amount of payments made upon termination of contract for each year from 2005-2011?”

26. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy S. Pitman of St. Helier–

“Would the Minister advise the amount of tax revenue from GST on food for 2010?”

27. The Minister for Health and Social Services will table an answer to the following question asked by Deputy M. Tadier of St. Brelade–

“Is the Minister satisfied that all the staff currently employed by private residential and respite care homes are suitably qualified? Is the Minister satisfied that working conditions in all such homes are satisfactory enough so as to not create instances of low morale which may lead to instances of client neglect? If so, what evidence does she have to know that this is the case? What mechanisms are there in place to monitor private care homes? Are there sufficient whistleblowing mechanisms in place to flag up staff concerns, and if so, what are they?”

28. The Chief Minister will table an answer to the following question asked by Deputy R.G. Le Hérissier of St. Saviour–

“Can the Chief Minister confirm how jobs in the Police uniformed service are classified and pay scales are arrived at?”

29. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy R.G. Le Hérissier of St. Saviour–

“What is the cost of the repairs to the roof of Hautlieu School, why have these repairs been required and are they covered by warranty?”

30. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy R.G. Le Hérissier of St. Saviour–

“Further to his answer given on 20th June 2011 would the Minister inform members what restrictions, if any, are in place to prevent a former employee of a States owned body using, to his or her business advantage, commercially sensitive information gained in that position?”

31. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy G.P. Southern of St. Helier–

“Can the Minister explain to members how the proposed new policy on 1(1)(k) taxation, containing the requirement to declare worldwide income and to pay 1% tax on it will attract more applicants?”

32. The Chief Minister will table an answer to the following question asked by Deputy G.P. Southern of St. Helier–

“What specific measures does the States Employment Board (‘SEB’) have under consideration to achieve the £14m of CSR savings identified by the Tribal reports on States employees’ terms and conditions?”

Have any changes to the terms and conditions of any specific groups of employees yet been identified and/or agreed, and if so, can he state which groups and what changes and whether any refer to no-strike agreements?

Have any specific proposals been formally put to employee representatives yet and if not why not?

How many meetings have been held between representatives of employees and SEB and what was their nature and duration?

Is it his intention to include specific and costed proposals to achieve the £14m savings in the 2012 Annual Business Plan to be presented to the States on 13th July 2011 and if not why not, and when will proposals be made public? Will any proposals be made public before the run up to the next election starts in early September?"

33. The Chief Minister will table an answer to the following question asked by Deputy G.P. Southern of St. Helier–

“Further to his response to my question (6371) on 7th June 2011 on the 178 work permits granted to the financial, legal and medical private sectors in 2010, will the Chief Minister ascertain from the relevant Minister what the duration of these permits was and whether they were replacement or new posts, and how many dependants were attached?

Will he further state how many J-category permits were granted in these sectors and in the private sector overall in 2010 and state how the combined numbers match his migration target of 150 heads of households?

Will he further state what the equivalent figures for the period 2007 – 9 were?"

34. The Minister for Health and Social Services will table an answer to the following question asked by Deputy G.P. Southern of St. Helier–

“The response to my question (6394) on 20th June 2011 on waiting times for physiotherapy following the loss of 3.5 staff under CSR stated –

“waiting times for clients referred directly by GPs have increased from 1 to 5 weeks in the first 4 months of 2011. This is a result of a significant increase in referrals (up 29%) creating delays not as a result of CSR cuts. Similar patterns of delay are created whenever there is an increase in referrals.

All fluctuations are negligible”

Given the 5-fold increase in the waiting time in response to a 29% increase in referrals what steps is the Minister taking to enable the physiotherapy service to cope with such fluctuations in demand?

Will she apologise to patients who have been kept waiting for appropriate treatment?

What steps if any will she take to improve waiting times in this service, and if not why not?"

35. The Minister for Health and Social Services will table an answer to the following question asked by Deputy G.P. Southern of St. Helier–

“Will the Minister provide a detailed breakdown of the £37m of savings in the cost of delivering Health by 2040, projected by option 3 in her consultation Green Paper, to include which services will be affected; what savings will be delivered by each, and how those savings will be delivered?

In particular will she state what current services, if any, will be subject to charges, including means testing, and whether any services are to cease, or to cease being delivered on-Island?"

36. The Chief Minister will table an answer to the following question asked by the Deputy of St. Mary–

“Before setting the target of 10% savings in water and energy consumption in States buildings to save around £1 million, did the Chief Minister assess how this target compares to targets set and/or achieved in the best local authorities in the UK?"

37. The Minister for Economic Development will table an answer to the following question asked by the Deputy of St. Mary–

“Can the Minister inform members of the work, if any, he has carried out, including consultation, in the area of including SME’s (Small and Medium Enterprises) in the scope of the Depositor Compensation Scheme, and can he inform members about progress made?”

38. The Minister for Treasury and Resources will table an answer to the following question asked by the Deputy of St. Mary–

“In view of the fact that the Minister now has a dedicated tax policy team will he inform members whether he will

- a) carry out a study into exactly how progressive is the tax system in Jersey, and / or the tax and benefit system in Jersey, across different household types, and, if not, why not;
- b) carry out a study into exactly how great the overall tax burden in different jurisdictions is, including what are seen as competitor jurisdictions, in order to inform the taxation debate, and, if not, why not?”

39. The Minister for Economic Development will table an answer to the following question asked by the Deputy of St. Mary–

“Can the Minister inform members how many firms in the energy efficiency, energy management and renewable energy sectors have received help from Jersey Enterprise or Jersey Business Venture in the last 5 years?

Can the Minister inform members of how many such firms there are in total and how many people they employ?

Does the Minister know what the availability of skills in renewable energy installation, maintenance and repair, energy efficiency advice and installation, and energy systems management, in Jersey is, and if not why not? Will he be taking steps to increase the level of these skills?

Can the Minister inform members of what the actual and potential economic value is of this sector?”

40. The Minister for Planning and Environment will table an answer to the following question asked by the Deputy of St. Mary–

“The report of the Complaints Board into the “Construction of a Wall in the Countryside Zone” (R55/2011) said that the “curious anomaly” whereby “a wall could be slated as ugly, incongruous, and harmful to the character of the countryside by the Department, yet could also be regarded as perfectly acceptable in the eyes of that same department solely dependent on its location within the domestic cartilage of a domestic dwelling house” should be addressed.

What steps, if any, has the Minister taken or will he be taking to address this anomaly?”

41. The Minister for Social Security will table an answer to the following question asked by Senator F. du H. Le Gresley–

“How many survivors have ceased to receive a survivor's pension due to co-habitation or marriage during the last ten years? How many survivors, currently in receipt of a survivor's pension, live outside Jersey? What steps are taken by his Department to ensure compliance with the terms of receipt of a survivor's pension?”

42. The Minister for Health and Social Services will table an answer to the following question asked by the Deputy of St. John—
- “Would the Minister inform members of the name and number of private nursing homes and care homes for the elderly in the Island together with the total number of residents licensed for each establishment?
- What are the total number of full time and part-time staff for each of the licensed establishments?
- How often are the premises inspected by Health and Social Services, and would the Minister give details of number of inspections to each establishment in last 3 years?
- Have any reports of ill treatment of patients/residents been reported to the Department in the last 3 years and, if so, how many, and what action is taken in response to such a report? Is the Minister or her department aware of any bullying of residents/patients in either private or public sector nursing/care homes and, if so, how is this being dealt with?
- Does the Department monitor the food and beverage that patients/residents receive and, if not, why not?
- Do the private nursing/care homes have to comply with the same standards as establishments operated by the Parishes and the States and, if not, why not? How do staffing numbers compare in the private sector and the Parish/States sector?”
43. H.M. Attorney General will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier—
- “Further to his answer about so-called ‘super injunctions’ given on 7th June 2011, would the Attorney General –
- (a) explain why the existence or otherwise of super injunctions should be denied to States Members and to the people of Jersey;
 - (b) set out the circumstances and grounds upon which such injunctions could be granted in Jersey?”
44. The Minister for Transport and Technical Services will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier—
- “a) In a written answer on 7th June 2011 the Minister stated that “many technical or operational issues” had been highlighted with the new Energy from Waste Plant and that “these were being resolved by CSBC Jersey Limited”. Will the Minister set out the details of each of these technical or operational problems and explain how they are being resolved by CSBC Limited and the estimated costs of such rectification?
 - (b) Although the Minister in his previous answer stated it was normal to discover problems during the commissioning period and that the contractor was required to address these issues and is liable for any associated costs, can he inform members whether the contractors have indicated whether they –
 - (i) will be seeking any additional funds for any purpose in relation to the construction of the facility and the amounts involved; or
 - (ii) will be lodging any claims against the States in relation to the contract, and if so what they relate to and the amount of the claims?”
45. The Minister for Economic Development will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier—
- “Will the Minister advise the States whether:
- (a) the Air Traffic Controller employed by Jersey Airport who failed his local radar validation is still employed at Jersey Airport and, if so, in what capacity and salary;

(b) the baggage consultant employed by Jersey Airport whose work was taken over by, or superseded by, Capita Symonds is still employed at Jersey airport and if so in what capacity and salary;

and, if so, justify the continued employment of these individuals when they are not doing the jobs for which they were employed?"

46. The Minister for Economic Development will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier—

“Will the Minister explain fully to members the air space redesign project at Jersey Airport which relates to the Channel Island Control Zone setting out the work and cost involved, the companies and individuals involved— setting out what each is doing, the sums being paid to them and how they were appointed/recruited and provide details of any aspect of the scheme which is yet to be put out to tender?”

ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

<u>2011</u>	First 15 minute period Minister	Second 15 minute period Minister
<u>First session</u>		
July 18th (Monday)	Transport and Technical Services	Economic Development
<u>2nd session</u>		
September 13th (Annual Business Plan 2012)	Treasury and Resources	Chief Minister
September 20th	Education, Sport and Culture	Health and Social Services
November 8th (Budget 2012)	Home Affairs	Chief Minister